

IN RE:	PETITION FOR ZONING VARIANCE	*	BEFORE THE
	S/S Perry Woods Court, 186 ft.		
	N of Joppa Road	*	ZONING COMMISSIONER
	1 Perry Woods Court		
	11th Election District	*	OF BALTIMORE COUNTY
	5th Councilmanic District		
	Brian K. Wiley, et ux	*	Case No. 95-80-A
	Petitioners		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1 Perry Woods Court in the Perry Woods subdivision of Baltimore County. Variance relief is requested from the strict application of Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory structure (existing pool) to be located in the side yard in lieu of the required rear yard and outside of the third of the lot farthest removed from any street. Also requested is an approval of the amendment of the site plan approved in zoning case No. 90-33-A and to amend the last amended Final Development Plan of Perry Woods for lot No. 3.

Appearing at the public hearing held for this case was the property owners, Brian K. Wiley and Lina Wiley, his wife. There were no interested persons or Protestants present.

Testimony and evidence presented was that the subject lot is 10,227 sq. ft. in area and is zoned D.R.5.5. The subject lot is pie shaped and is located on a cul-de-sac at the terminus of Perry Woods Court. Mr. and Mrs. Wiley testified that they have lived at the site for approximately 5 years. They are original owners of a single family dwelling which is erected thereon. Previously, zoning variance relief was granted under case No. 90-33-A to allow the construction of a deck on the rear of the house.

10/7/90
 M. G. G. G.

MICROFILMED

In July of 1994, the Petitioners installed a 24 ft. wide above ground pool in the side yard. The location of the pool is clearly shown on the site plan, marked as Petitioners' Exhibit No. 1. The Petitioner indicated that the location for the pool is the only place which is appropriate in the yard. Specifically, the pool cannot be located in the rear yard because of the severe slope of same. Moreover, there is a drainage and utility easement in the rear yard which prevents the installation of any structure in the area of the easement. Photographs were submitted which corroborated this testimony and clearly show that there is limited usable area for the pool's location. Moreover, the Petitioners produced a series of letters from neighbors and residents, none of whom objected to the location of the pool.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

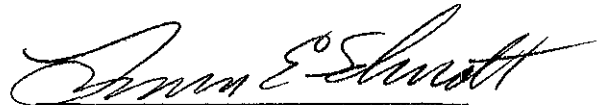
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of October, 1994 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory structure (existing pool) to be located in the side yard, in lieu of the

required rear yard, and outside of the third of the lot farthest removed from any street, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that approval of the amendment of the site plan approved in zoning case No. 90-33-A and to amend the last amended Final Development Plan of Perry Woods for lot No. 3, be and is hereby GRANTED subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING
Date 10/7/98
By [Signature]

RECEIVED
OCT 10 1998



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1 Perry Woods Court, Baltimore, MD 21234

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 to permit an accessory structure (an existing pool) to be located in the side yard in lieu of the required rear yard and outside of the third of the lot farthest removed from any street and to amend the plan in Zoning case 90-033-A and to amend the last amended final development plan of Perry Woods for lot 3.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

(See attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

Brian K. Wiley

(Type or Print Name)

Brian K. Wiley

Signature

Lina Wiley

(Type or Print Name)

Lina Wiley

Signature

1 Perry Woods Court

Address

529-6128

Phone No.

Baltimore, MD 21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Lina Wiley

Name

1 Perry Woods Court

529-6128 (Home)

Address

Baltimore, MD 21234

879-2101 (Work)

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8/25/94

MICROFILMED



Printed with Soybean Ink
on Recycled Paper



95-80-A

PETITION FOR ZONING VARIANCE - Brian and Lina Wiley, 1 Perry Woods Court,
Baltimore, Maryland, 21234, Phone: 529-6128

HARDSHIP/PRACTICAL DIFFICULTY

In response to indicating our hardship for installing a 24' round above ground swimming pool beside our residence, instead of to the rear, we present the following.

The entire rear of our property is a hill with an approximate slope of 40 degrees. In the bottom of the slope is a gully for storm water run off. To the right rear of our yard is a cement storm drain. The area of yard behind the residence is very narrow, a little more than enough for foot traffic. The majority of our yard is located on the side of our residence (we are at the end of the street). These factors considered, the only flat useable yard space is the area beside the garage, which we considered our backyard since it is to the side and rear of the house, and required the least amount of ground disturbance.

We cannot backfill our yard to accomodate a pool since it would substantially change water run off and become a permanent part of the easement.

We feel the placement of the pool in the side of the residence constitutes the best possible location considering the fact that the rest of the yard is all steep hill.

We contacted all neighbors within view and none have expressed any reservation about the looks or location of the pool. We have received many compliments regarding the pool since its installation.

MICROFILMED

95-80-A

PETITION FOR ZONING VARIANCE - Brian and Lina Wiley, 1 Perry Woods Court,
Baltimore, Maryland, 21234, Phone: 529-6128

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1 Perry Woods Court, Baltimore, Maryland, 21234

Beginning at a point on the ~~north~~^{south} side of Perry Woods Court which is 30 feet wide at the distance of 186 feet north of the centerline of the nearest improved intersecting street, Joppa Road, which is 60 feet wide. Being Lot #3 in the subdivision of Perry Woods as recorded in Baltimore County Plat Book #56, Folio #18, containing 10,277 square feet, also known as 1 Perry Woods Court and located in the 11th Election District, 5th Councilmanic District.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-80-17

District 11th Date of Posting 9/19/94

Posted for: Variance

Petitioner: Brian & Hina Wiley

Location of property: 1 Perry Wood Ct, S/S

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 9/23/94
Signature

Number of Signs: 1



UNRECORDED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 104 of the County Office Building, located at 111 W.

Chesapeake Avenue in Towson, Maryland 21204 or Room 118 Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-80-A (Item 81)

1 Perry Wood Court

8/8 Perry Woods Court,

188 N of Joppa Road

11th Election District

8th Councilmanic

Petitioner(s):

Brian K. Wiley

and Lina Wiley

HEARING: TUESDAY,

OCTOBER 4, 1994 at 9:00

a.m. in Rm. 118, Old

Courthouse.

Variance: to permit an accessory structure (an existing pool) to be located in the side yard in lieu of the required rear yard and outside of the third of the lot farthest removed from any street and to amend the plan in zoning case #90-33-A and to amend the last amended final development plan of Perry Woods for lot #3.

LAWRENCE E. SCHMIDT,

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

9/199 September 15.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

9/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/15, 1994.

THE JEFFERSONIAN,

G. Henrichson

LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-80-A

Account: R-001-6150

Number

81

By JLL

Date

8/25/94

1 RV FILING FEE

CODE 010 50.00

1 AMEND TO DEV PLAN (SPH FEE

CODE 030 50.00

(1) SIGN POSTING.

CODE 080 35.00

TOTAL = 135.00

OWNER: WILEY

LOC #1 PERRY WOODS CT.

MICROFILMED

01A01W00B6MICHR

\$135.00

BA 001032AMD8-25-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 81

Petitioner: Brian and Lina Wiley

Location: 1 Perry Woods Court, Baltimore, MD 21234

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Brian and Lina Wiley

ADDRESS: 1 Perry Woods Court

Baltimore, MD 21234

PHONE NUMBER: (410) 529-6128 - Home (410) 879-2101 - Work

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY

September 15, 1994 Issue - Jeffersonian

Please forward billing to:

Brian and Lina Wiley
1 Perry Woods Court
Baltimore, Maryland 21234
529-6128

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-80-A (Item 81)

1 Perry Wood Court

S/S Perry Woods Court, 186' N of Joppa Road

11th Election District - 5th Councilmanic

Petitioner(s): Brian K. Wiley and Lina Wiley

HEARING: TUESDAY, OCTOBER 4, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit an accessory structure (an existing pool) to be located in the side yard in lieu of the required rear yard and outside of the third of the lot farthest removed from any street and to amend the plan in zoning case #90-33-A and to amend the last amended final development plan of Perry Woods for lot #3

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEPTEMBER 16, 1994

CORRECTION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-80-A (Item 81)

1 Perry Wood Court

S/S Perry Woods Court, 186' N of Joppa Road

11th Election District - 5th Councilmanic

Petitioner(s): Brian K. Wiley and Lina Wiley

Variance to permit an accessory structure (an existing pool) to be located in the side yard in lieu of the required rear yard and outside of the third of the lot farthest removed from any street and to amend the plan in zoning case #90-33-A and to amend the last amended final development plan of Perry Woods for lot #3

HEARING: TUESDAY, OCTOBER 4, 1994 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc:

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP. 21 1994

Brian and Lina Wiley
1 Perry Woods Court
Baltimore, Maryland 21234

RE: Item No. 81, Case No. 95-80-A
Petitioner: Brian and Lina Wiley

Dear Mr. & Mrs. Wiley:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 25, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Coordinator

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: September 12, 1994
Zoning Administration and Development Management

FROM *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 12, 1994
Items 73, 74, 76, 77, 79, 80 and 81

The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw

RECEIVED
SEP 12 1994
ZADM

MICROFILMED

To: Arnold Jablon, Director
Zoning Administration and
Development Management

From: Pat Keller, Director
Office of Planning & Zoning

Date: August 31, 1994

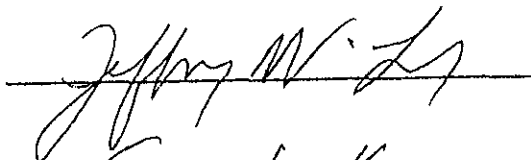
Subject: ZAC comments

The Office of Planning and Zoning has no comments on the following petition(s):

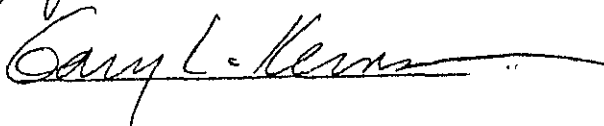
Item Nos. 73, 76, 79, and 81.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning and Zoning at 887-3480.

Prepared by:



Division Chief:



JL

PRACTICE/PZONE/TXTLLF

2000-08-31 12:00:00



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-2-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: *Φ 81 (JLL)*

95-80

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/01/94

Arnold Jablon
Director
Planning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
CALL 8100-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Planning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 8 The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 73, 74, 76, 77, 79,
80 AND 81.

RECEIVED
SEP 2 1994

ZADM

REVIEWER: LT. ROBERT C. FOLDFIELD
Fire Marshal Office, CPW- 887-4881, HS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: Sept. 15, 1994

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept. 6

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 73

74

75

76

78

79

80

81

LS:sp

LETTY2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE	*	BEFORE THE
1 Perry Woods Court, S/S Perry Woods		
Court, 186' N of Joppa Road, 11th	*	ZONING COMMISSIONER
Election Dist., 5th Councilmanic		
	*	OF BALTIMORE COUNTY
Brian K. Wiley and Lina Wiley		
Petitioners	*	CASE NO. 95-80-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Brian K. and Lina Wiley, 1 Perry Woods Court, Baltimore, MD 21234, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

NOTED
10/10/94

ORDER FROM PRIOR
ZONING CASE.

95-80-A

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Perry Woods Court, 195' NW * DEPUTY ZONING COMMISSIONER
of the c/l of Joppa Road * OF BALTIMORE COUNTY
(1 Perry Woods Court) *
11th Election District * Case No. 90-33-A
5th Councilmanic District *
Brian K. Wiley, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a tract boundary rear yard setback of 23 feet in lieu of the required 26.5 feet for an open projection (deck) and an amendment to the Second Amended Final Development Plan of Perry Woods, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated the subject property, known as 1 Perry Woods Court, consists of 10,227 sq.ft. zoned D.R. 5.5 and is currently improved with a single family dwelling which has been Petitioners' residence since February 1989. Petitioners are desirous of construction a 12' x 28' open deck on the rear of the existing dwelling; however, due to the location of the dwelling and improvements on the lot, the proposed deck will not meet rear yard setback requirements. Petitioners testified they have spoken with their neighbors who have no objections to their plans. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)

and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the requested variance should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of August, 1989 that the petition for

Zoning Variance to permit a tract boundary rear yard setback of 23 feet in lieu of the required 26.5 feet for an open projection (deck) and an amendment to the Second Amended Final Development Plan of Perry Woods, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The petitioner may apply for his building permit and be granted same upon receipt of this order; however, petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this order has expired. If, for whatever reason, this order is reversed, the petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASZAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Brian K. Wiley

Lina Wiley

1 Perry Woods Ct. Perry Hall, Md.

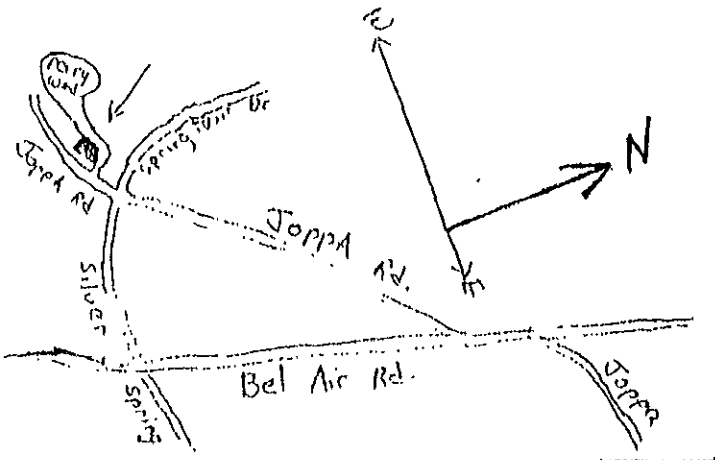
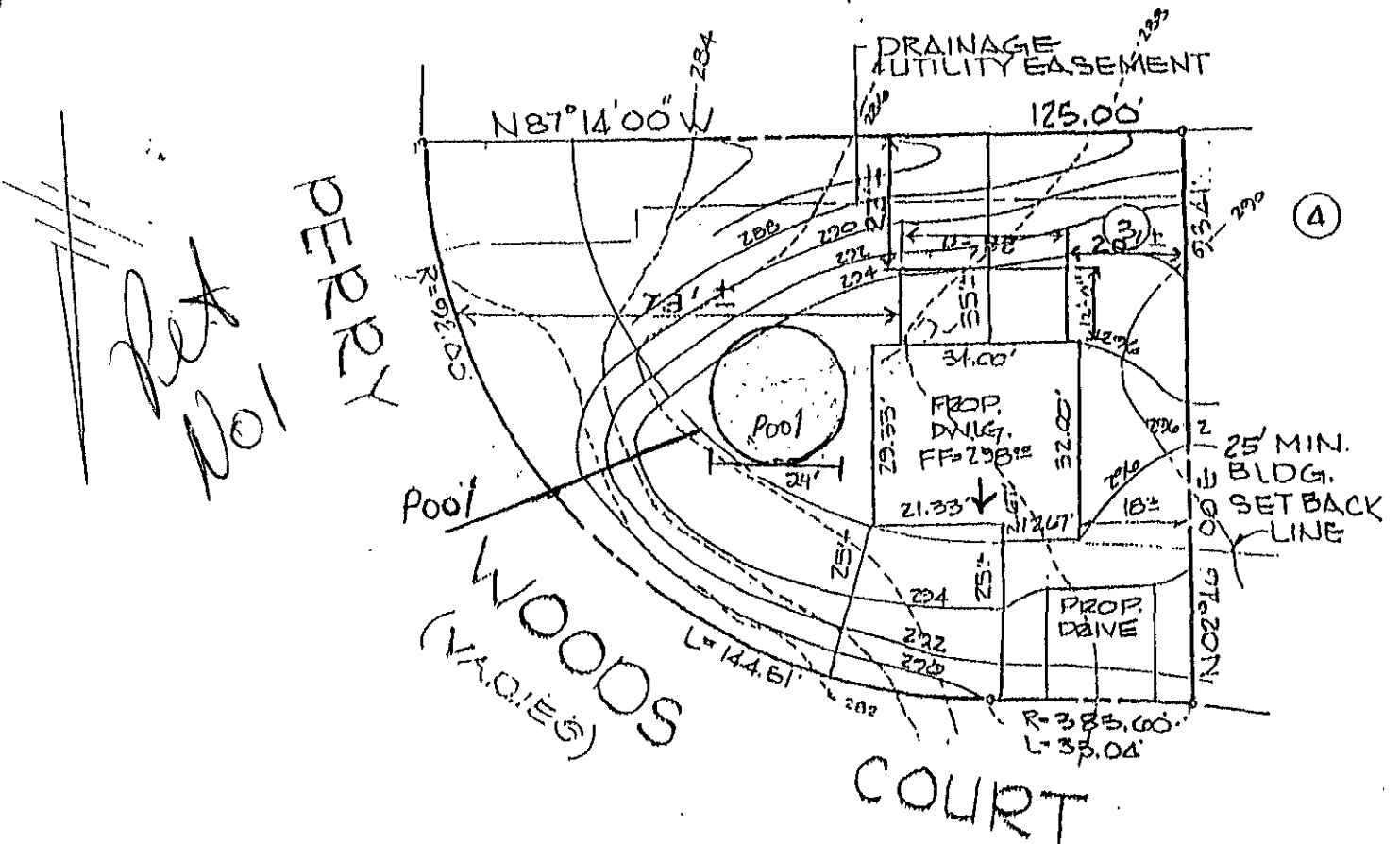
1 Perry Woods Ct, Perry Hall, Mo.



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

NOTE: CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM FOUNDATION AT ALL TIMES.



Vicinity Map

Plat for Zoning Variance
 Owners: Brian & Lina Wiley
 District II, 5th Councilmanic District
 Subdivision - "Perry Woods"
 Lot 3; Plat Book S.M., No. 56, Folio 18
 Public Utilities
 Lot Size: 10,227 square feet

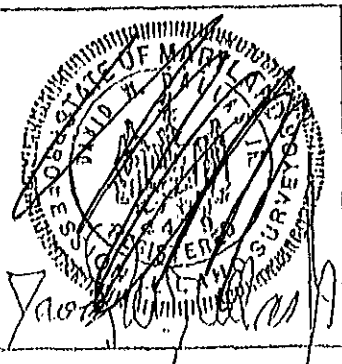
Distance to Closest Intersecting Street (Joppa Road) along Perry Woods Court is 186'.

Amended Plat from case #90-33A
 Zone DR 5.5

"BRIARCLIFF"

95-80-A

LOT 3 Δ 56/18
 PLAT OF "PERRY WOODS" SUBDIVISION
 11TH ELECT. DIST. BALTIMORE CO., MD



SITE PLAN
 #1 PERRY WOODS COURT
VTA ASSOCIATES, INC.
 SURVEYING & ENGINEERING
 3132 E. JOPPA RD. BALTIMORE, MARYLAND 21234
 668-0090

date 1-28-83
 scale 1"=30'
 job no. 86-47
 drawn FS/SE
 checked MJB

Gentleman

I am a Widow almost 83 years old. My Property is directly in back of the Wileys. I sit on my Deck and watch these Kids having a great time. Why would anyone take the pleasure away from these Kids. These people (the Wileys) are the most decent people on Perry Woods Ct you could ever have for neighbors

Ms. Margaret Stromberger
3736 E. Joppa Rd.

Ref No 2

MICROFILMED

3734 E. Joppa Rd.
Baltimore, Md. 21236
Aug. 21, 1994

Dear Sir:

We are submitting this letter on behalf of Mr. & Mrs. Brian Wiley who reside at 1 Perry Court, Perry Hall, Md.

Apparently, there has been some criticism concerning their swimming pool.

The back of our property borders on the back of their property. Therefore, the pool is well within our range of view. We do not consider it to be at all offensive. We feel that it is safer for the smaller neighborhood children to enjoy a swimming pool than be subjected to the hazards of a heavily traveled road.

We are happy with the Wileys as neighbors and enjoy the happy voices of children in their pool.

We strongly urge that they be allowed to maintain their swimming pool.

Sincerely,

Mr. & Mrs. Ernest Webb

8/17/94

TO WHOM IT MAY CONCERN:

AS A PROPERTY OWNER,
NOT CONTIGUOUS - BUT IN VIEW
OF - ONE PERRY WOODS CT
(WILEY RESIDENCE), AND
ALTHOUGH NOT A PART OF
THE PERRY WOODS COVENANTS,
AND/OR RESIDENCE RESTRICTIONS
(IF ANY) THERETO, THE RECENT
POOL ADDITION AT ONE
PERRY WOODS CT, DOES NOT
BOTHER THE UNDERSIGNED.

SINCERELY,
R. M. HOTE
3805 E JOPPA RD

Aug. 18, 1994

Gentlemen,

I am writing on behalf of Linda and Brian Ciley, 111 Perry Woods Ct., and the problem they are having about their swimming pool.

I live at 3732 E. Joppa Rd., and am a 70 year old widow. The rear of my property abuts the rear of their property, and to me, there is no problem with their pool. I sit on my back porch, and watch the children enjoying themselves. The whole property is neat and well-kept. They are good, hard-working people, and willing to help anyone who needs it.

Because of the shape of their yard and for the safety of their children I don't think the pool could have been installed in any other area.

I hope this letter helps the Cileys' cause.

(Mrs.) Jessie L. Gelman
3732 E. Joppa Rd.
Baltimore, Md. 21236

44750

August 22, 1994

To Whom it may concern:

We at #4 Perry Woods Court live directly across from #1 Perry Woods Court and have no problems with the location of their pool.

Jim Bennett

Property # 20-00-012881

Dis-11

MICROFILMED

RON DISTLER P.E.

2 Perry Woods Court
Baltimore, MD 21234

Phone 410-256-9018

Fax 410-256-3588


August 19, 1994

To Whom It May Concern:

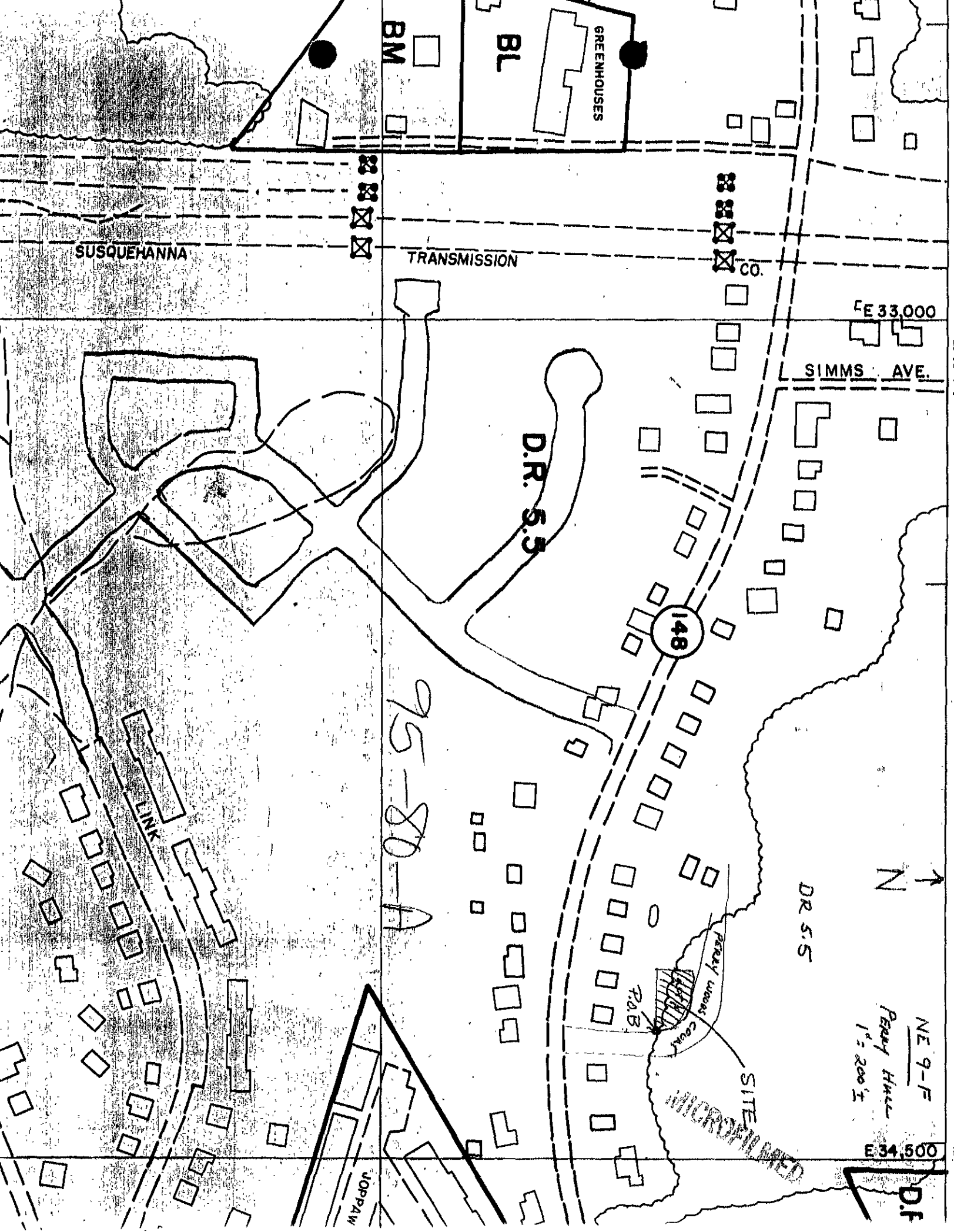
We hereby certify that the pool on the property of our neighbor, Brian and Lina Wiley, at #1 Perry Woods Court is not in any way offensive. We feel that the installation blends in with our neighborhood, is safe and secure and when in use, is well monitored and controlled.

Sincerely,


Ronald D. Distler


Julia S. Distler

MICROFILMED



BM

BL

GREENHOUSES

SUSQUEHANNA

TRANSMISSION

CO.

E 33,000

SIMMS AVE.

D.R. 5.5

148

LINK

95-80-A

DR 5.5

Perry Woods Court

70B

SITE

MICROFILMED

N

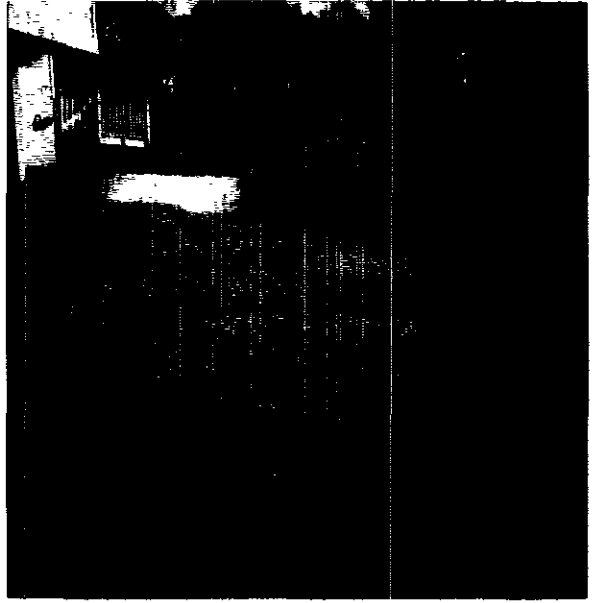
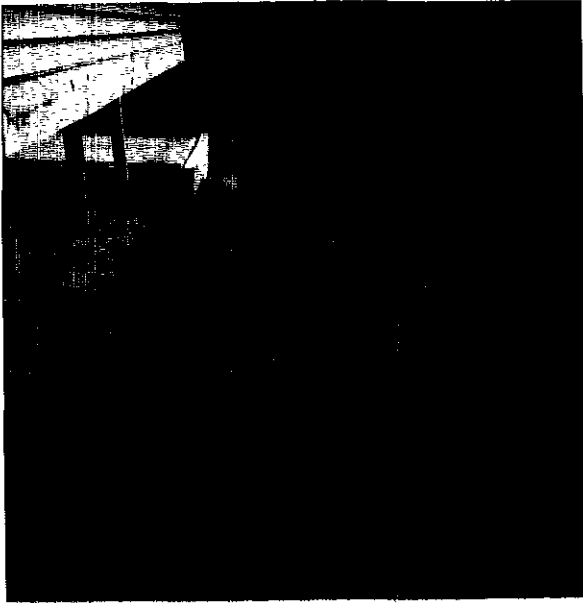
NE 9-F

Perry House
1:200

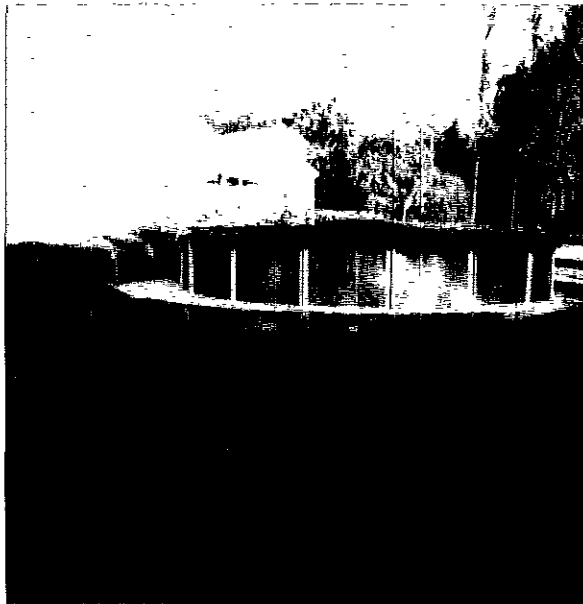
E 34,500

D.F.

UOPAW



Ref No 3



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 6, 1994

Mr. and Mrs. Brian K. Wiley
1 Perry Woods Court
Baltimore, Maryland 21234

RE: Petition for Variance
Case No. 95-80-A
Property: 1 Perry Woods Court

Dear Mr. Wiley:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

MICROFILMED



receipt
95-80-A

DATE: 8/25/94

Account: R0016150

Number: 81

By: JLL

RV FILING FEE	CODE 010	50.00
AMPHD TO DEV PLAN (SMA FEE)	CODE 030	50.00
(1) SIGN POSTING	CODE 080	35.00
TOTAL:		135.00

WILEY
1 PERRY WOODS CT.

CHANGING ADDRESS
135.00

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 81

Petitioner: Brian and Lina Wiley

Location: 1 Perry Woods Court, Baltimore, MD 21234

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Brian and Lina Wiley

ADDRESS: 1 Perry Woods Court
Baltimore, MD 21234

PHONE NUMBER: (410) 529-6128 - Home (410) 879-2101 - Work

AJ:ggg (Revised 04/09/93)

13

TO: PUTNEY PUBLISHING COMPANY
September 8, 1994 Lane - Jeffersonian

Please forward billing to:
Brian and Lina Wiley
1 Perry Woods Court
Baltimore, Maryland 21234
529-6128

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-80-A (Item 81)
1 Perry Woods Court
5/8 Perry Woods Court, 186' W of Joppa Road
11th Election District - 5th Councilmanic
Petitioner(s): Brian K. Wiley and Lina Wiley
HEARING: TUESDAY, OCTOBER 4, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit an accessory structure (an existing pool) to be located in the side yard in lieu of the required rear yard and outside of the third of the lot farthest removed from any street and to amend the plan in zoning case #90-33-A and to amend the last amended final development plan of Perry Woods for lot #3

LAWRENCE S. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEPTEMBER 16, 1994

CORRECTION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-80-A (Item 81)
1 Perry Woods Court
5/8 Perry Woods Court, 186' W of Joppa Road
11th Election District - 5th Councilmanic
Petitioner(s): Brian K. Wiley and Lina Wiley

Variance to permit an accessory structure (an existing pool) to be located in the side yard in lieu of the required rear yard and outside of the third of the lot farthest removed from any street and to amend the plan in zoning case #90-33-A and to amend the last amended final development plan of Perry Woods for lot #3

HEARING: TUESDAY, OCTOBER 4, 1994 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Arnold Jablon
Director

cc:

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP. 21 1994

Brian and Lina Wiley
1 Perry Woods Court
Baltimore, Maryland 21234

RE: Item No. 81, Case No. 95-80-A
Petitioner: Brian and Lina Wiley

Dear Mr. & Mrs. Wileys:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward these to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 25, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 12, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 12, 1994
Items 73, 74, 76, 77, 79, 80 and 81

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:ew

RECEIVED
SEP 12 1994
ZADM

To: Arnold Jablon, Director
Zoning Administration and
Development Management

From: Pat Keller, Director
Office of Planning & Zoning

Date: August 31, 1994

Subject: ZAC comments

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 73, 76, 79, and 81.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning and Zoning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Kenna*

JL

PRACTICE/PZONE/TXTLLE

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 81 (JLL)

95-80

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

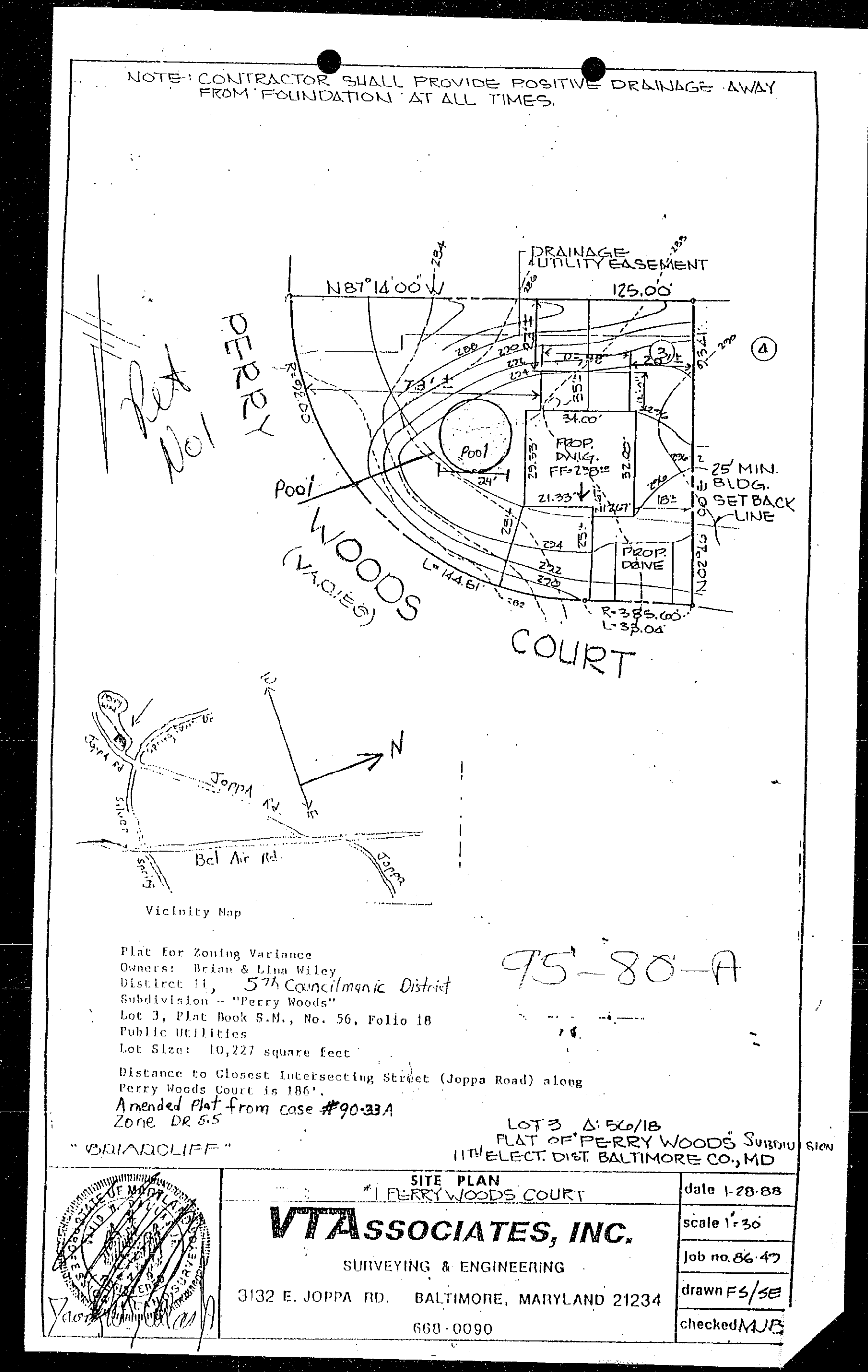
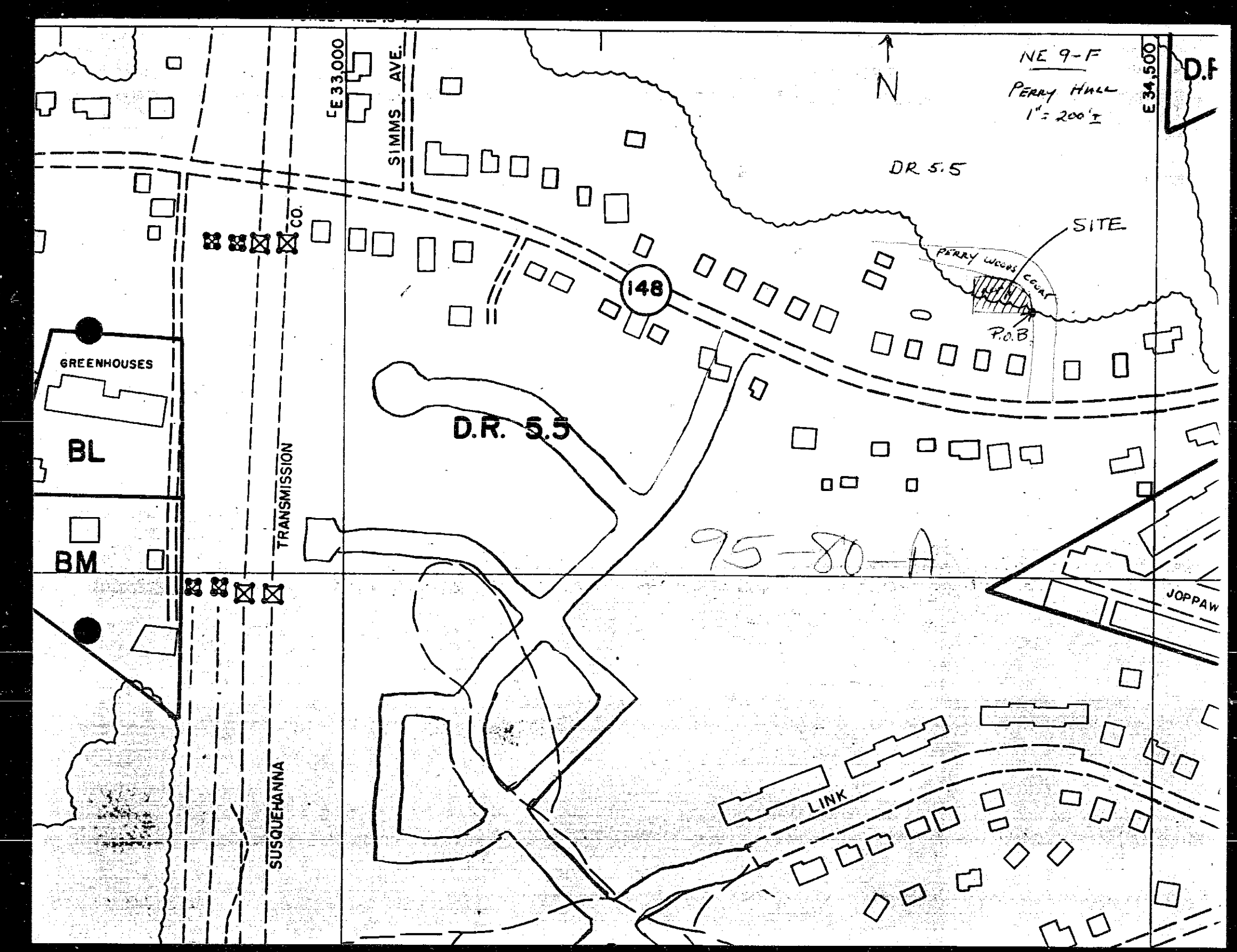
Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21286-5500
(410) 887-4500
DATE: 09/01/94
9/1/94
78 JEW
Pursuant to your request, the referenced property has been surveyed by this office and the concepts below are applicable and required to be corrected or incorporated into the final plans for the property.
In reference to the following item numbers: 73, 74, 75, 77, 79, 80, 81
RECEIVED
SEP 2 1994
ZADM
RECEIVED: 11. ROBERT M. SPOFFORD
Baltimore County Office, Room 107-401, MS-1102F
City File
Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE
TO: ZADM
FROM: DEPRM
SUBJECT: Zoning Advisory Committee
Agenda: Sept 6
DATE: Sept 15, 1994
The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:
Item #'s: 73
74
75
76
78
79
80
81
LS:sp
LETTY2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE
1 Perry Woods Court, S/S Perry Woods Court, 196' N of Joppa Road, 11th Election Dist., 5th Councilmanic District
Brian K. Wiley and Lina Wiley
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-80-A
ENTRY OF APPEARANCE
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188
CERTIFICATE OF SERVICE
I HEREBY CERTIFY that on this 10th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Brian K. and Lina Wiley, 1 Perry Woods Court, Baltimore, MD 21234, Petitioners.
Peter Max Zimmerman
PETER MAX ZIMMERMAN

ORDER FROM PRIOR ZONING CASE 95-80-A
IN RE: PETITION FOR ZONING VARIANCE
S/S Perry Woods Court, 195' NW of the 671' of Joppa Road (1 Perry Woods Court)
11th Election District
5th Councilmanic District
Brian K. Wiley, et ux
Petitioners
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-33-A
FINDINGS OF FACT AND CONCLUSIONS OF LAW
The Petitioners herein request a variance to permit a tract boundary rear yard setback of 23 feet in lieu of the required 26.5 feet for an open projection (deck) and an amendment to the Second Amended Final Development Plan of Perry Woods, as more particularly described in Petitioner's Exhibit 1.
The Petitioners appeared and testified. There were no Protestants. Testimony indicated the subject property, known as 1 Perry Woods Court, consists of 10,227 sq.ft. zoned D.R. 5.5 and is currently improved with a single family dwelling which has been Petitioners' residence since February 1989. Petitioners are desirous of construction a 12' x 28' open deck on the rear of the existing dwelling; however, due to the location of the dwelling and improvements on the lot, the proposed deck will not meet rear yard setback requirements. Petitioners testified they have spoken with their neighbors who have no objections to their plans. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the community.
Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)

PLEASE PRINT CLEARLY
PETITIONER(S) SIGN-IN SHEET
NAME
Brian K. Wiley
Lina Wiley
ADDRESS
1 Perry Woods Ct, Perry Hall, Md.
1 Perry Woods Ct, Perry Hall, Md.
Printing with Duplicates Ink on Recycled Paper



Gentleman,
I am a widow almost 80 years old. My property is directly in back of the Wileys. I sit on my Deck and watch these kids having a great time. Why would anyone take the pleasure away from these kids. These people (the Wileys) are the most decent people on Perry Woods Ct. you could ever have for neighbors.

Mrs. Margaret Stromberger
3736 E. Joppa Rd.

Rel No 2

3734 E. Joppa Rd.
Baltimore, Md. 21236
Aug. 21, 1994

Dear Sir:

We are submitting this letter on behalf of Mr. & Mrs. Brian Wiley who reside at 1 Perry Woods Court, Long Hill, Md.

Apparently, there has been some criticism concerning their swimming pool.

The back of our property borders on the back of their property. Therefore, the pool is well within our range of view. We do not consider it to be at all offensive. We feel that it is safer for the smaller neighborhood children to enjoy a swimming pool than be subjected to the hazards of a heavily traveled road.

We are happy with the Wileys as neighbors and enjoy the happy voices of children in their pool.

We strongly urge that they be allowed to maintain their swimming pool.

Sincerely,
Mr. & Mrs. Ernest Whit

8/17/94

TO WHOM IT MAY CONCERN:

AS A PROPERTY OWNER,

NOT CONTIGUOUS - BUT IN VIEW

OF ONE PERRY WOODS CT.

(WILEY RESIDENCE), AND

ALTHOUGH NOT A PART OF

THE PERRY WOODS COVENANTS,

AND/OR RESIDENCE RESTRICTIONS

(IF ANY), THEREBY, THE FRONT

POOL ADDITION AT ONE

PERRY WOODS CT, DOES NOT

VIOLATE THE COVENANTS,

SINCERELY,

R. H. HOT

320 E. JOPPA RD.

Aug. 18, 1994

Neighbors,

I am writing on behalf of Brian and Linda Wiley, #1 Perry Woods Court, and the problems they are having about their swimming pool.

I live at 3733 E. Joppa Rd. and own a 70 year old widow. The rear of my property abuts the rear of their property, and to me, there is no problem with the pool. I sit on my back porch and watch the children playing down the street. The whole property is well maintained. They are good, hard-working people, and willing to help anyone who needs it.

Because of the shape of their yard and for the safety of their children, I don't think the pool could have been installed in any other place.

I hope this letter helps the Wiley's cause.

(Copy) Jason L. Johnson
3733 E. Joppa Rd.
Baltimore, Md. 21236

August 23, 1994

To Whom it may concern:

We at #4 Perry Woods Court live directly across from #1 Perry Woods Court and have no problems with the location of their pool.

Jim Pissott

Property # 20-00-012881

Dis-11

RON DISTLER P.E.

2 Perry Woods Court
Baltimore, MD 21234

Phone 410-256-9018

Fax 410-256-3588

August 19, 1994

To Whom It May Concern:

We hereby certify that the pool on the property of our neighbor, Brian and Linda Wiley, at #1 Perry Woods Court is not in any way offensive. We feel that the installation blends in with our neighborhood, is safe and secure and when in use, is well monitored and controlled.

Sincerely,

Ronald D. Distler
Ronald D. Distler

Julia S. Distler
Julia S. Distler

